

AKTD (RCAP/Hangen)
DEP

07-RIN-00211-00

FREEDOM OF INFORMATION ACT (FOIA) GUIDE AND PROGRAM CHECKLIST

A FOIA request is a written request for records held or believed to be held by EPA. The request need not specifically refer to the FOIA. The Act requires that agencies provide records unless they are exempt from disclosure.

FOIA OFFICE (OEP)

FOIA requests are date-stamped and logged into the FOIMATS system by the FOIA Coordinator, OEP. The FOIMATS system assigns a control number (Request Identification Number (RIN)) and generates a control slip. Copies of the request are handcarried to appropriate programs/offices. Upon receipt of records and backup material from the programs/offices, the FOIA Coordinator prepares an appropriate response letter for signature by the FOIA Officer. FOIA Officer signs all responses except denials. Initial denials are prepared by the FOIA Coordinator for the signature of the appropriate Division Director.

PROGRAM RESPONSIBILITY

Understand what the writer is asking for. If not, call the requestor for clarification. (Scope of request can often be narrowed.) If fees for processing request exceed \$25.00 and requestor has not indicated in letter willingness to pay up to a specified amount, call requestor advising of estimated fees for processing request and obtain agreement to reimburse the Agency.

Document all actions for processing request. Complete the Program Checklist (below) before submittal to the FOIA Coordinator. Assure that ALL portions of request which your program/office is responsible for have been responded to. When the records responsive to the request are prepared and Program Checklist completed, send to FOIA Coordinator with any details that should be known for preparation of response letter. INCLUDE THE CONTROL SLIP when submitting to the FOIA Coordinator. The FOIA control number (RIN) is the only means of identification and tracking.

Effective October 1, 1998, it is the program's/office's responsibility to provide information for compilation of administrative costs with each FOIA request. This information is entered into the FOIMATS system by the FOIA Coordinator, OEP. The information will be retrieved by headquarters annually and included in the Annual Report to Congress. See attached headquarters guidance.

PROGRAM CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION TO OEP FOR RESPONSE LETTER

	Yes	Date	No	N/A
Program has responsive records	✓	1/13		
Index of records releases and/or denied	—	—	✓	—
Counsel consulted re releasability of records	—	—	—	—
Exemption cited for records denied 5 U.S.C. 552(b)	—	—	—	—
Copy(ies) of record(s) initially denied in program's files	—	—	—	—
OR submitted to FOIA Coordinator (in FOIA files in case of appeal by requestor	—	—	—	—
Business confidentiality determination applicable	—	—	—	—
Program notified third party by letter from Division Director of opportunity to substantiate business confidentiality claim	—	—	—	—

(over)



R00151916
RCRA RECORDS CENTER

Yes Date No N/A

Extension of "due date" requested 40 CFR 2.112(e)

- ____ (1) The need to search for and collect the requested records from offices that are physically distant from this office
- ____ (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distant records involved in your request
- ____ (3) The need for consultation, which shall be conducted with all practicable speed, with another agency or EPA office having a substantial subject-matter interest in your request

Requestor advised of charges and agreed to payment:

Cost of processing request: Record search 1 hrs. @ 10.00 per 1/2 hr.; Record review 5 hrs. @ 10.00 per 1/2 hr.; copying 292 pages @ \$.15 per page; actual cost to EPA (computer time, diskettes, maps, photos, etc.) _____.

Date of transmittal of records/information to OEP 1/13.

Person(s) responsible for gathering records/information (contact for response letter)

OSA Haugen ARTD/RESP (913) 551-7877

Division Director (or designee) concurrence/signature _____

EFFECTIVE 10/1/98 ADMINISTRATIVE COSTS TO BE ENTERED INTO FOIMATS BY FOIA COORDINATOR, OEP, FOR INCLUSION IN ANNUAL REPORT TO CONGRESS

SEE ATTACHED HEADQUARTERS INSTRUCTIONS

IN COMPLIANCE WITH E-FOIA, ALL PERSONS WHO WORK IN ANY CAPACITY ON A REQUEST WITHIN EPA ARE REQUIRED TO PROVIDE THE TIME SPENT AND HOURLY RATE FOR ADMINISTRATIVE COSTS.

TOTAL HOURS: 1.5 HOURLY RATE: 27.48 TOTAL COST: 41.22

TOTAL HOURS: _____ HOURLY RATE: _____ TOTAL COST: _____

TOTAL HOURS: _____ HOURLY RATE: _____ TOTAL COST: _____

TOTAL HOURS: _____ HOURLY RATE: _____ TOTAL COST: _____

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Freedom of Information Act Request

07-RIN-00211-00

Requestor: VANESSA K. NESSELHUF Request Date: 12/23/99

Company: SPENCER, FANE, BRITT AND BROWNE, LLP Date Received: 12/28/99

Fee Category: Commercial Acknowledged: 12/28/99

Subject: UNILATERAL AND CONSENT ORDERS ISSUED UNDER RCRA 7000(3)

Lead Office: 07-OEP

Assigned to: 07-OEP, 07-RCAP

Original Due Date: 01/27/2000 New Due Date:

Track: BASIC Fee Waiver Requested: NO

FIS Initials: EN

SPECIAL INSTRUCTIONS:
PROGRAM PROVIDE INPUT, OEP
SIGNATURE

FOIAS ARE HAND-CARRIED TO
DIVISION/BRANCH/OFFICE ON DATE
RECEIVED. FOIAS ARE DUE 10 WORKING
DAYS FROM DATE RECEIVED.

ENT'D DEC 28 1999
Tru-Cor Ind. Inc. & B.

REC'D BY: _____

DATE _____

SPENCER FANE BRITT & BROWNE LLP
ATTORNEYS AND COUNSELORS AT LAW

4220000/

December 23, 1999

Rowena L. Michaels
Freedom of Information Officer
EPA Region 7
901 N. 5th St.
Kansas City, KS 66101

07RIN-00211-00

RCAP/Haugen
DEP

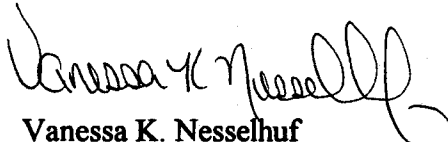
Re: FOIA request

Dear Ms. Michaels:

Under the Freedom of Information Act, I request a copy of all Unilateral and Consent Orders issued under RCRA 7000(3).

Please send your invoice for the copying of these documents to the address below. If you have any questions, please contact me at 816/292-8172.

Very truly yours,


Vanessa K. Nesselhuf
Paralegal to Baerbel E. Schiller

VKN:vkn

Rec'd 12/28/99
EPA/R7/RCAD/DEP/FOIA
P.

1000 WALNUT STREET, SUITE 1400
KANSAS CITY, MISSOURI 64106-2140
(816) 474-8100 FAX (816) 474-3216

Walnut 524059.1

To: Vanessa Nesselhuf

From: Lisa Haugen
RCRA FOIA Coordinator
EPA, Region 7

RE: FOIA request for Unilateral and Consent Orders issued under RCRA 7000(3)

Attached is a print out of all of the facilities which meet your criteria. It is my understanding that you will check with Baerbel, and determine which actions she is interested in obtaining. Just mark the facilities you wish us to copy the orders for, and fax it back to me. I will then order the copies and get them sent through the system. If you have any questions, please call me at (913) 551-7877. My fax number is (913) 551-7947.

SPENCER FANE BRITT & BROWNE LLP
ATTORNEYS AND COUNSELORS AT LAW

CONFIDENTIALITY NOTICE

The sender of this fax is a law firm. Information in this fax is **CONFIDENTIAL**. Please deliver this fax directly to whom it is addressed. If you are unable to deliver this fax for any reason, please call the sender.

PLEASE DELIVER AS SOON AS POSSIBLE TO

RECIPIENT	COMPANY	PHONE NO.	FAX NO.
Lisa Haugen	EPA	913-551-7877	913-551-7947

FROM: Vanessa K. Nesselhuf **DATE:** January 6, 2000
PHONE: (816) 292-8172 **FILE No.:** 4220000/23
RE: FOIA Request - all RCRA 7000(3) Unilateral and Consent Orders

Total number of pages excluding this page: 4
If you do not receive all the pages, please call (816) 474-8100

MESSAGE

Lisa:

Baerbel put a check next to the matters that she is interested in. Please call me at (816)292-8172 if the copying charges are going to exceed \$25.00 or if you have any questions. Thanks for your help.

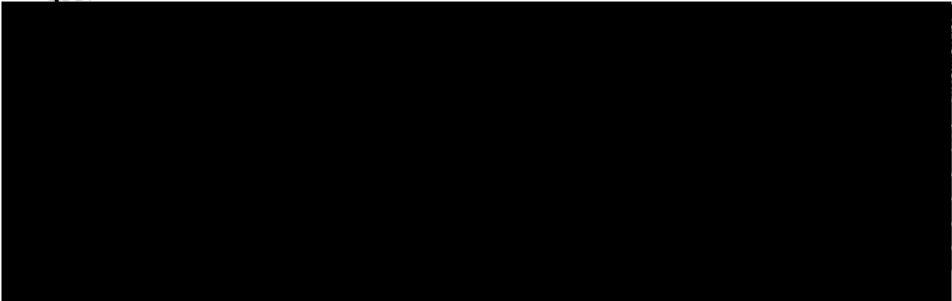
Vanessa

1000 WALNUT STREET, SUITE 1400
KANSAS CITY, MISSOURI 64106-2140
(816) 474-8100 FAX (816) 474-3216

www.spencerfane.com

9401 INDIAN CREEK PARKWAY, SUITE 700
OVERLAND PARK, KANSAS 66210
(913) 345-8100 FAX (913) 345-0736

IOWA ENFORCEMENT ACTIONS

FACILITY NAME	EPA ID NUMBER	DATE OF ACTION	TYPE OF ACTION	RESPON. AGENCY
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
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	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA

Redacted to remove non-responsive information

KANSAS ENFORCEMENT ACTIONS

FACILITY NAME	EPA ID NUMBER	DATE OF ACTION	TYPE OF ACTION	RESPON. AGENCY
[REDACTED]			320 FINAL IMMINENT HAZARD ORDER	EPA
[REDACTED]			320 FINAL IMMINENT HAZARD ORDER	EPA
MID AMERICA REFINING CO	KSD084091545	10/28/1996	320 FINAL IMMINENT HAZARD ORDER	EPA

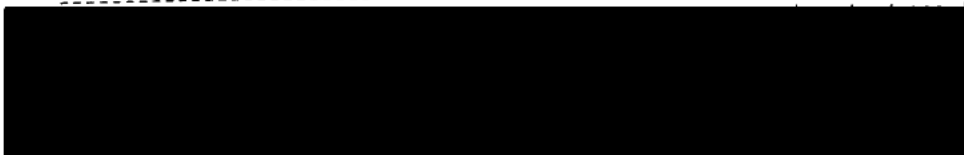
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MISSOURI ENFORCEMENT ACTIONS

FACILITY NAME	EPA ID NUMBER	DATE OF ACTION	TYPE OF ACTION	RESPON. AGENCY
[REDACTED]			320 FINAL IMMINENT HAZARD ORDER	EPA

Redacted to remove non-responsive information

NEBRASKA ENFORCEMENT ACTIONS

FACILITY NAME	EPA ID NUMBER	DATE OF ACTION	TYPE OF ACTION	RESPON. AGENCY
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA
	320	FINAL	IMMINENT HAZARD ORDER	EPA

Redacted to remove non-responsive information